



Food Distribution National Policy Memorandum

United States
Department of
Agriculture

Food and
Nutrition
Service

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Alexandria, VA
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DATE: February 16, 2005

POLICY NO.: FD-042: Food Distribution Program on Indian Reservations (FDPIR)

SUBJECT: Pay Received by Military Personnel as a Result of Deployment to a Combat Zone

The Consolidated Appropriations Act, 2005 (Public Law 108-447 excludes additional pay received by military personnel as a result of deployment to a combat zone from consideration as income in food assistance programs authorized by the Food Stamp Act. For example, a soldier stationed in Germany receives \$750 per month in military pay and sends the entire amount home to his family. Upon deployment to Iraq, the soldier is paid an additional \$200 per month in combat pay. As a result, his family begins to receive \$950 per month. Under Public Law 108-477, the \$200 in combat pay is not counted as income to the soldier's family.

The purpose of this memorandum is to implement this policy under FDPIR. Under existing policy, military personnel who have been deployed to a combat zone must not be included as a household member for purposes of determining FDPIR benefits since they are no longer living with the remaining members of the household. However, money made available to the applicant or participating household by the absent family member is counted as income for FDPIR purposes.

Money is generally made available to the applicant or participating household via a direct deposit of all or a portion of the military person's pay into a joint bank account. Occasionally such funds are made available to the applicant or participating household via an "allotment" arrangement made by the military person for a portion of his or her pay to be sent to the applicant or participating household. Regardless of the arrangement made by the absent family member for his or her military pay, only that portion of his or her pay to which the applicant or participating household has access should be counted when determining the household's income for FDPIR purposes.

As a result of the provision of Public Law 108-447 noted above, certification workers will now be required to determine if any of the military pay received by an applicant or participating household from an individual deployed to a designated combat zone should be excluded when determining the household's income for FDPIR purposes. See Attachment 1 for a listing of designated combat zones.

Chapter 5 of title 37 lists the various types of special and incentive pays for military personnel (see Attachment 2). We are unable to provide definitive guidance on which pay items are or are not related to deployment to a designated combat zone. Some of the items more clearly relate to deployment to a combat zone than others (for example, incentive pay for hazardous duty and special pay for duty subject to hostile fire or imminent danger). Other items, such as reenlistment bonuses and special pay for occupational skills, may be open to interpretation. Questions about military pay items should be referred to a military pay office in your area.

Although Indian Tribal Organizations (ITOs) and State agencies may develop their own approach to implementing the requirements of the new law, we recommend the following:

Step 1: Establish the amount of the military person's pay that was actually available to the household prior to the deployment of the military person to a designated combat zone. The military person may have made all or part of his or her military pay available to the household, although he or she may not have been living with the household (i.e., in training or stationed in a non-combat zone).

Step 2: Determine the amount of military pay that the absent member deployed in a designated combat zone is making available to his or her family.

Step 3: If the amount in Step 2 is equal to or less than the amount in Step 1, all of the amount from Step 2 would be counted as income to the household for FDPIR purposes. If the amount in Step 2 is greater than the amount in Step 1, the difference would be excluded.

Example: A soldier is stationed in Germany and is sending \$500 per month to her family in Oklahoma. Her family participates in FDPIR and the \$500 is counted as income to the household. The soldier is deployed to Iraq, and beginning in January 2005 she sends \$650 per month to her family. The certification worker would exclude \$150 of the \$650 being sent to the soldier's family each month.

In regard to documenting the deployed person's income and location, a deployed person's military pay record, the Leave and Earnings Statement (LES), can be used to establish deployment to a combat zone and the amount of combat pay. The LES identifies whether combat pay is being received. The LES is often sent directly to the family back home, or it can be mailed to the family back home by the deployed person.

Orders issued to the military person can also establish deployment to a combat zone. Frequently, entire units are deployed and the place of their deployment is a matter of public record. While specific arrangements can vary among the services and from base to base, applicant or participating households have various ways to obtain the pay

information of the deployed person. Some have access via the web. Others can seek assistance via the local military pay office.

The legislative provision includes no specific implementation time frame. It is, however, effective for fiscal year 2005 (i.e., October 1, 2004 through September 30, 2005). ITOs and State agencies should inform certification workers of the income exclusion and implement this revised policy as soon as possible, but no later than 60 days from the date of this memorandum.

The ITOs and State agencies are strongly encouraged to review all applications denied since October 1, 2004 due to excess income, or terminated since October 1, 2004 due to a reported increase in income, to determine if any of these cases involved military pay received as a result of deployment to a combat zone. The ITOs and State agencies should provide such households an opportunity to reapply for FDPIR benefits as soon as possible, and should make every effort to process their applications in an expedited manner.

Any income excluded under the legislation would remain excluded through September 30, 2005. In the event that the income exclusion is not renewed for fiscal year 2006, any household, whose certification extends beyond September 30, 2005, would continue to receive the exclusion until its certification expires or until it reports a change that would require a re-determination of eligibility, whichever occurs first.



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Attachments

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ATTACHMENT 1

Combat Zone Tax Exclusion Areas

Executive Order 12744 (effective 17 Jan 1991)

-- Arabian Sea Portion that lies North of 10 degrees North Latitude and West Of 68 degrees East Longitude

- Bahrain
- Gulf of Aden
- Gulf of Oman
- Iraq
- Kuwait
- Persian Gulf
- Qatar
- Oman
- Red Sea
- Saudi Arabia
- United Arab Emirates

Direct Support of EO 12744

- Turkey effective 1 Jan 2003
- Israel effective 1 Jan – 31 July 2003
- Eastern Med effective 19 Mar – 31 July 2003
- Jordan effective 19 Mar 2003
- Egypt effective 19 Mar – 20 Apr 2003

Executive Order 13239 (effective 19 Sep 2001)

- Afghanistan

Direct Support of EO 13239

- Pakistan effective 19 Sep 2001
- Tajikistan effective 19 Sep 2001
- Jordan effective 19 Sep 2001
- Incirlik AFB Turkey effective 21 Sep 2001
- Kyrgyzstan effective 1 Oct 2001
- Uzbekistan effective 1 Oct 2001

- Phillipines (only troops w/orders that reference OEF) effective 9 Jan 2002
- Yemen effective 10 Apr 2002
- Djibouti effective 1 Jul 2002

Executive Order 13119 (effective 24 Mar 1999)

Public Law 106-21 Establishing Kosovo as Qualified Hazardous Duty Area (24 Mar 1999)

- The Federal Republic of Yugoslavia (Serbia/Montenegro)
- Albania
- The Adriatic Sea
- The Ionian Sea north of the 39th parallel

Public Law 104-117 Establishing a Qualified Hazardous Duty Area (November 1995)

- Bosnia
 - Herzegovina
 - Croatia
 - Macedonia
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ATTACHMENT 2

CHAPTER 5—SPECIAL AND INCENTIVE PAYS

Release date: 2003-05-29

- [§ 301](#). Incentive pay: hazardous duty
- [§ 301a](#). Incentive pay: aviation career
- [§ 301b](#). Special pay: aviation career officers extending period of active duty
- [§ 301c](#). Incentive pay: submarine duty
- [§ 301d](#). Multiyear retention bonus: medical officers of the armed forces
- [§ 301e](#). Multiyear retention bonus: dental officers of the armed forces
- [§ 302](#). Special pay: medical officers of the armed forces
- [§ 302a](#). Special pay: optometrists
- [§ 302b](#). Special pay: dental officers of the armed forces
- [§ 302c](#). Special pay: psychologists and nonphysician health care providers
- [§ 302d](#). Special pay: accession bonus for registered nurses
- [§ 302e](#). Special pay: nurse anesthetists
- [§ 302f](#). Special pay: reserve, recalled, or retained health care officers
- [§ 302g](#). Special pay: Selected Reserve health care professionals in critically short wartime specialties
- [§ 302h](#). Special pay: accession bonus for dental officers
- [§ 302i](#). Special pay: pharmacy officers
- [§ 302j](#). Special pay: accession bonus for pharmacy officers
- [§ 303](#). Special pay: veterinarians
- [§ 303a](#). Special pay: health professionals; general provisions
- [§ 303b](#). Waiver of board certification requirements
- [§ 304](#). Special pay: diving duty
- [§ 305](#). Special pay: hardship duty pay
- [§ 305a](#). Special pay: career sea pay
- [§ 306](#). Special pay: officers holding positions of unusual responsibility and of critical nature

- [§ 306a](#). Special pay: members assigned to international military headquarters
- [§ 307](#). Special pay: special duty assignment pay for enlisted members
- [§ 308](#). Special pay: reenlistment bonus
- [[§ 308a](#). Repealed.]
- [§ 308b](#). Special pay: reenlistment bonus for members of the Selected Reserve
- [§ 308c](#). Special pay: bonus for enlistment in the Selected Reserve
- [§ 308d](#). Special pay: enlisted members of the Selected Reserve assigned to certain high priority units
- [§ 308e](#). Special pay: bonus for reserve affiliation agreement
- [[§ 308f](#). Repealed.]
- [§ 308g](#). Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve
- [§ 308h](#). Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve
- [§ 308i](#). Special pay: prior service enlistment bonus
- [§ 309](#). Special pay: enlistment bonus
- [§ 310](#). Special pay: duty subject to hostile fire or imminent danger
- [[§ 311](#). Repealed.]
- [§ 312](#). Special pay: nuclear-qualified officers extending period of active service
- [§ 312a](#). Special pay: nuclear-trained and qualified enlisted members
- [§ 312b](#). Special pay: nuclear career accession bonus
- [§ 312c](#). Special pay: nuclear career annual incentive bonus
- [[§ 313](#). Repealed.]
- [§ 314](#). Special pay or bonus: qualified enlisted members extending duty at designated locations overseas
- [§ 315](#). Special pay: engineering and scientific career continuation pay
- [§ 316](#). Special pay: foreign language proficiency pay
- [§ 316a](#). Waiver of certification requirement

- [§ 317](#). Special pay: officers in critical acquisition positions extending period of active duty
- [§ 318](#). Special pay: special warfare officers extending period of active duty
- [§ 319](#). Special pay: surface warfare officer continuation pay
- [§ 320](#). Incentive pay: career enlisted flyers
- [§ 321](#). Special pay: judge advocate continuation pay
- [§ 322](#). Special pay: 15-year career status bonus for members entering service on or after August 1, 1986
- [§ 323](#). Special pay: retention incentives for members qualified in a critical military skill
- [§ 324](#). Special pay: accession bonus for new officers in critical skills
- [§ 325](#). Incentive bonus: savings plan for education expenses and other contingencies